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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,069	06/29/2000	Jie Cheng	81056121	7285
28395 7590 02/13/2009 BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238			EXAMINER FISHER, MICHAEL J	
			ART UNIT 3689	PAPER NUMBER
			MAIL DATE 02/13/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte*: JIE CHENG, ROSE PENG and YI LU

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Application No. 09/607,069  
Technology Center 3600

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Mailed: February 13, 2009

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Before GLORIA HENDERSON, *Review Team Paralegal*  
HENDERSON, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on February 3, 2009. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

EXAMINER'S ANSWER, EVIDENCE RELIED UPON

The following reference listed under the Evidence Relied Upon section of the Examiner's Answer mailed February 3, 2006, is missing from the IFW file.

"LU declaration dated 2/27/04"

Before further review, the examiner must mail a Form PTOL-90, that will correct and amend the Evidence Relied Upon Section and identify all references used to reject the claims on appeal.

CONCLUSION

Accordingly, it is ORDERED that the application is being electronically returned to the Examiner:

- 1) to have the reference listed under the Evidence Relied Upon Section of the Examiner's Answer mailed February 3, 2006, 2007, scanned into the record;
- 2) to issue and mail a Form PTOL-90, amending and/or correcting the Examiner's Answer (Evidence Relied Upon); and
- 3) for such further action as may be appropriate.

Application No. 09/607,069

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

GJH

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